

REFERENCES IN TEXT

Section 467d of this title, referred to in text, was omitted from the Code.

AMENDMENTS

1992—Pub. L. 102-580 substituted “1994” for “1992”.

§ 467m. Inspection funds not to be used for repair or construction

No funds authorized in this subchapter shall be used to construct or repair any Federal or non-Federal dam.

(Pub. L. 92-367, §14, as added Pub. L. 99-662, title XII, §1201(b), Nov. 17, 1986, 100 Stat. 4263.)

§ 467n. Recovery of dam modification costs required for safety purposes

(a) After November 17, 1986, costs incurred in the modification by the Secretary of dams and related facilities constructed or operated by the Secretary, the cause of which results from new hydrologic or seismic data or changes in state-of-the-art design or construction criteria deemed necessary for safety purposes, shall be recovered in accordance with the provisions in this subsection:

(1) Fifteen percent of the modification costs shall be assigned to project purposes in accordance with the cost allocation in effect for the project at the time the work is initiated. Non-Federal interests shall share the costs assigned to each purpose in accord with the cost sharing in effect at the time of initial project construction: *Provided*, That the Secretary of the Interior shall recover costs assigned to irrigation in accordance with repayment provisions of Public Law 98-404.

(2) Repayment under this subsection, with the exception of costs assigned to irrigation, may be made, with interest, over a period of not more than thirty years from the date of completion of the work. The interest rate used shall be determined by the Secretary of the Treasury, taking into consideration average market yields on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the applicable reimbursable period during the month preceding the fiscal year in which the costs are incurred, plus a premium of one-eighth of one percentage point for transaction costs. To the extent that more than one interest rate is determined pursuant to the preceding sentence, the Secretary of the Treasury shall establish an interest rate at the weighted average of the rates so determined.

(b) Nothing in this section affects the authority of the Secretary to perform work pursuant to Public Law 84-99, as amended (33 U.S.C. 701n) or cost sharing for such work.

(Pub. L. 99-662, title XII, §1203, Nov. 17, 1986, 100 Stat. 4263.)

REFERENCES IN TEXT

Public Law 98-404, referred to in subsec. (a)(1), is Pub. L. 98-404, Aug. 28, 1984, 98 Stat. 1481, known as The Reclamation Safety of Dams Act Amendments of 1984, which amended sections 508 and 509 of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 506 of Title 43 and Tables.

Public Law 84-99, referred to in subsec. (b), is act June 28, 1955, ch. 194, 69 Stat. 186, which amended section 701n of this title.

CODIFICATION

Section was enacted as part of the Dam Safety Act of 1986, and also as part of the Water Resources Development Act of 1986, and not as part of Pub. L. 92-367 which comprises this subchapter.

DEFINITIONS

Secretary means the Secretary of the Army, see section 2201 of this title.

CHAPTER 10—ANCHORAGE GROUNDS AND HARBOR REGULATIONS GENERALLY

Sec.	
471.	Establishment by Secretary of Transportation of anchorage grounds and regulations generally.
472.	Marking anchorage grounds by Commandant of the Coast Guard.
473.	Repealed.
474.	Anchorage and general regulations for St. Marys River.
475.	Regulations for Pearl Harbor, Hawaii.
476.	Restrictions on tanker traffic in Puget Sound and adjacent waters.

§ 471. Establishment by Secretary of Transportation of anchorage grounds and regulations generally

The Secretary of Transportation is authorized, empowered, and directed to define and establish anchorage grounds for vessels in all harbors, rivers, bays, and other navigable waters of the United States whenever it is manifest to the said Secretary that the maritime or commercial interests of the United States require such anchorage grounds for safe navigation and the establishment of such anchorage grounds shall have been recommended by the Chief of Engineers, and to adopt suitable rules and regulations in relation thereto; and such rules and regulations shall be enforced by the Coast Guard under the direction of the Secretary of Transportation: *Provided*, That at ports or places where there is no Coast Guard vessel available such rules and regulations may be enforced by the Chief of Engineers under the direction of the Secretary of Transportation. In the event of the violation of any such rules and regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of \$100; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be and in the name of the officer designated by the Secretary of Transportation.

(Mar. 4, 1915, ch. 142, §7, 38 Stat. 1053; Aug. 4, 1949, ch. 393, §§1, 20, 63 Stat. 496, 561; Oct. 15, 1966, Pub. L. 89-670, §6(b)(1), 80 Stat. 938; Jan. 12, 1983, Pub. L. 97-449, §2(d)(1), 96 Stat. 2440.)

CODIFICATION

Section was from the Rivers and Harbors Appropriation Act of 1915.

PRIOR PROVISIONS

Section probably supersedes acts May 16, 1888, ch. 257, §§1, 2, 25 Stat. 151, relative to anchorage grounds in

port of New York, Mar. 3, 1899, ch. 424, §1, 30 Stat. 1074, extending anchorage regulations for port of New York, Feb. 6, 1893, ch. 64, §§1, 2, 27 Stat. 431, relative to anchorage grounds in port of Chicago, and June 6, 1900, ch. 819, §§1, 2, 31 Stat. 682, relative to anchorage grounds in Kennebec River.

AMENDMENTS

1983—Pub. L. 97-449 substituted “Secretary of Transportation” for “Secretary of War” wherever appearing. See Transfer of Functions note below.

TRANSFER OF FUNCTIONS

“Coast Guard” and “Coast Guard vessel” substituted in text for “Revenue Cutter Service” and “revenue cutter”, respectively, the Revenue Cutter Service and Life-Saving Service having been combined to form the Coast Guard by act Jan. 28, 1915, ch. 20, §1, 38 Stat. 800. That act was repealed by act Aug. 4, 1949, ch. 393, §20, 63 Stat. 561, section 1 of which reestablished the Coast Guard by enacting Title 14, Coast Guard.

“Secretary of Transportation” substituted for “Secretary of the Treasury” in provision covering enforcement of rules and regulations by Coast Guard pursuant to section 6(b)(1) of Pub. L. 89-670, which transferred to Secretary of Transportation functions, powers, and duties of Secretary of the Treasury and of other offices and officers of Department of the Treasury relating to Coast Guard. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, the Coast Guard shall operate as part of the Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

Section 6(g)(1)(A) of Pub. L. 89-670, transferred functions, powers, and duties of Secretary of the Army [formerly War] and other officers and offices of Department of the Army [formerly War] relating generally to water vessel anchorages under this section to Secretary of Transportation. Pub. L. 97-449 amended this section to reflect the transfer made by section 6(g)(1)(A) of Pub. L. 89-670, and repealed section 6(g)(1)(A).

FEDERAL RULES OF CIVIL PROCEDURE

Admiralty and maritime rules of practice (which included libel procedures) were superseded, and civil and admiralty procedures in United States district courts were unified, effective July 1, 1966, see rule 1 and Supplemental Rules for Certain Admiralty and Maritime Claims, Title 28, Appendix, Judiciary and Judicial Procedure.

CROSS REFERENCES

Control by Coast Guard of anchorage and movement of vessels in territorial waters for safety of naval vessels, see section 91 of Title 14, Coast Guard.

Regulations for Saint Marys River by Secretary of Commerce, see section 474 of this title.

Special anchorage areas under navigation rules, inland waters generally, see section 2030 of this title.

§ 472. Marking anchorage grounds by Commandant of the Coast Guard

The Commandant of the Coast Guard shall provide, establish, and maintain, out of the annual appropriations for the Coast Guard, buoys or other suitable marks for marking anchorage grounds for vessels in waters of the United States, when such anchorage grounds have been defined and established by proper authority in accordance with the laws of the United States.

(Sept. 15, 1922, ch. 313, 42 Stat. 844; 1939 Reorg. Plan No. II, §2(a), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1432.)

TRANSFER OF FUNCTIONS

“Commandant of the Coast Guard” and “Coast Guard” substituted in text for “Commissioner of Light-

houses” and “Lighthouse Service”, respectively, on authority of Reorg. Plan No. II of 1939, §2(a), set out in the Appendix to Title 5, Government Organization and Employees, which transferred and consolidated the Bureau of Lighthouses (of which the Lighthouse Service was a part and of which the Commissioner of Lighthouses was the head) and its functions with the Coast Guard (of which the Commandant was the Chief).

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard, and Commandant of Coast Guard, excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Coast Guard transferred to Department of Transportation, and functions, powers, and duties relating to Coast Guard of Secretary of the Treasury and of other officers and offices of Department of the Treasury transferred to Secretary of Transportation by Pub. L. 89-670, §6(b)(1), Oct. 15, 1966, 80 Stat. 938. Section 6(b)(2) of Pub. L. 89-670, however, provided that notwithstanding such transfer of functions, Coast Guard shall operate as part of the Navy in time of war or when President directs as provided in section 3 of Title 14, Coast Guard. See section 108 of Title 49, Transportation.

§ 473. Repealed. Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 637

Section, act Mar. 2, 1895, ch. 172, §2, 28 Stat. 740, provided that the powers and authority conferred upon the harbor master, District of Columbia, may in his absence or disability be exercised by the pilot of the harbor police boat. See section 22-1701 of the District of Columbia Code.

§ 474. Anchorage and general regulations for Saint Marys River

The Commandant of the Coast Guard is authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in Saint Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of Transportation is authorized to detail one or more Coast Guard vessels for duty upon the request of the Commandant of the Coast Guard on said river.

All officers of the Coast Guard who are directed to enforce the regulations prescribed by the above rules are empowered and directed, in case of necessity, or when a proper notice has been disregarded, to use the force at their command to remove from channels or stop any vessel found violating the prescribed rules.

In the event of the violation of any such regulations or rules of the Commandant of the Coast Guard by the owners, master, or person in charge of such vessel, such owners, master, or person in charge shall be liable to a penalty not exceeding \$200: *Provided*, That the Commandant of the Coast Guard may remit said fine on such terms as he may prescribe: *Provided also*, That nothing in this section shall be construed to amend or repeal chapter¹ 4 of this title.

(Mar. 6, 1896, ch. 49, §§1-3, 29 Stat. 54, 55; Apr. 26, 1906, ch. 1874, §§1, 2, 34 Stat. 136; Mar. 4, 1913, ch. 141, §1, 37 Stat. 736; 1946 Reorg. Plan No. 3,

¹ See References in Text note below.